(ii) Reserved.

(iii) Any refiner or importer with Puerto Rico gasoline, or Puerto Rico and U.S. Virgin Islands gasoline, in its individual baseline and which has met the requirements specified in paragraph (g)(1)(ii)(B) of this section, and whose total volume of conventional gasoline, RBOB, reformulated gasoline, and California gasoline, as defined in § 80.81(a)(2), produced or imported by the refiner or importer during the averaging period is greater than that refiner's or importer's 1990 baseline volume as determined under § 80.91(f)(1), must calculate the compliance baseline for each parameter or emissions performance according to the following formula:

$$CB_i = \left(B_i * \left(\frac{V_{1990} - V_{1990s}}{V_a}\right)\right) + \left(BS_i * \left(\frac{V_{1990s}}{V_a}\right)\right) + \left(DBA_i * \left(1 - \frac{V_{1990}}{V_a}\right) * \left(1 - \frac{V_{as}}{V_a}\right)\right) + \left(DBS_i * \left(1 - \frac{V_{1990}}{V_a}\right) * \left(\frac{V_{as}}{V_a}\right)\right)$$

Where:

CB_i = the compliance baseline value for emissions performance i

B_i = the refiner's or importer's individual annual baseline for emissions performance i under § 80.91 for gasoline supplied to areas subject to volatility standards under § 80.27

BS_i = the refiner's or importer's individual baseline as determined under § 80.91 using the summer Complex Model, for gasoline supplied to Puerto Rico and the U.S. Virgin Islands, for emissions performance i

DBA_i = annual anti-dumping statutory baseline value for emissions performance i under § 80.91(c)(5)(iv)

DBS_i = the summer statutory baseline value for emissions performance i under § 80.45(b)(3), table 5

V_a = total volume of RFG, conventional gasoline, RBOB, oxygenates and California gasoline as defined under § 80.81(a)(2) produced or imported during the averaging period

V_{1990}=1990 baseline volume under § 80.91(f)(1)

V_{1990s}=1990 baseline volume of gasoline supplied to Puerto Rico and the U.S. Virgin Islands

V_{as}=volume of conventional gasoline supplied during the averaging period to Puerto Rico and the U.S. Virgin Islands

i=exhaust toxics or NO_X emissions performance

* * * * *

(g) * * *

(1) * * *

(ii) Complex Model calculations.

(A) Exhaust benzene, exhaust toxics, and exhaust NO_X emissions performance for each batch shall be calculated in accordance with the applicable model under § 80.45.

(B) A refiner which has Puerto Rico gasoline, or Puerto Rico and U.S. Virgin Islands gasoline, in its baseline shall use the summer Complex Model to evaluate its averaging period Puerto Rico and U.S. Virgin Islands gasoline provided it has petitioned the Agency, per § 80.93(d), and has received Agency approval on the petition, and has revised its individual baseline, such that the Puerto Rico and U.S. Virgin Islands gasoline in its individual baseline has been evaluated using the summer Complex Model.

* * * * *

[FR Doc. 99–14496 Filed 6–8–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL–6344–6]

Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to identify seven additional ozone areas where the 1-hour standard no longer applies. Thus, upon finalization of this proposed action, the Code of Federal Regulations (CFR) for ozone will be amended to reflect such changes. On July 18, 1997, EPA provided by rule that the 1-hour ozone standard would no longer apply to an area based on a determination by EPA that the area has attained that standard. The 1-hour standard will continue to apply to areas for which EPA has not made a determination through rulemaking. The EPA has previously taken final action regarding the applicability of the 1-hour standard for other areas on June 5, 1998 and July 22, 1998. The seven additional proposed areas are: Cincinnati-Hamilton, OH–KY; Pittsburgh-Beaver Valley, PA; Lancaster, PA; Sunland Park, NM; LaFourche Parish, LA; Kansas City, MO–KS; and Spalding County, GA.

DATES: Your comments must be submitted on or before July 9, 1999 in order to be considered.

ADDRESSES: You may comment in various ways:

On paper. Send paper comments (in duplicate, if possible) to the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–99–10, U.S. Environmental Protection Agency, 401 M St., SW, Room M–1500, Washington, DC 20460, telephone (202) 260–7548.

Electronically. Send electronic comments to EPA at: A-and-R-Docket@epamail.epa.gov. Avoid sending confidential business information. We accept comments as e-mail attachments or on disk. Either way, they must be in WordPerfect 5.1 or 6.0 or ASCII file format. Avoid the use of special characters and any form of encryption. You may file your comments on this proposed rule online at many Federal Depository Libraries. Be sure to identify all comments and data by Docket number A–99–10.

Public inspection. You may read the proposed rule (including paper copies of comments and data submitted electronically, minus anything claimed as confidential business information) at the Docket and Information Center. They are available for public inspection from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. We may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Questions about this notice should be addressed to Annie Nikbakht (policy) or Barry Gilbert (air quality data), Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Ozone Policy and Strategies Group, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5246/5238 or e-mail to nikbakht.annie@epamail.epa.gov or gilbert.barry@epamail.epa.gov. To ask about policy matters or monitoring data for a specific geographic area, call one of these contacts:

Region III—Marcia Spink (215) 814–2104, Region IV—Karla McCorkle (404) 562–9043,

Region V—William Jones (312) 886–6058,
Region VI—Lt. Mick Cote (214) 665–7219,
Region VII—Royan Teter (913) 551–7609.

SUPPLEMENTARY INFORMATION:

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I. What Is the Background for This Proposed Action?

On July 16, 1997 (62 FR 38856, July 18, 1997), we issued a regulation replacing the 1-hour ozone standard with an 8-hour standard at a level of 0.08 parts per million (ppm). The form of the 8-hour standard is based on the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area. The new primary standard, which became effective on September 16, 1997, provides increased protection to the public, especially children and other at-risk populations.

Also, on July 16, 1997, we announced that we were delaying revocation of the 1-hour ozone national ambient air quality standard (NAAQS) until areas attain the 1-hour NAAQS. We did this to provide continuity in public health protection during the transition to the new NAAQS. We provided, by regulation, that the 1-hour standard would no longer apply to an area upon a determination by EPA that the area has attained the 1-hour standard.

On July 16, 1997, President Clinton issued a memorandum (62 FR 38421, July 18, 1997) to the Administrator of EPA indicating that within 90 days of our issuing the new 8-hour standard, we would publish an action identifying ozone areas to which the 1-hour standard would no longer apply. The memorandum recognized that for areas where the air quality did not currently attain the 1-hour standard, the 1-hour standard would continue in effect. The provisions of subpart 2 of title I of the Clean Air Act (CAA) would also apply to currently designated nonattainment areas until EPA determines that the area has air quality meeting the 1-hour standard.

On June 5, 1998 (63 FR 31014) and July 22, 1998 (63 FR 39432), we issued final rules for many areas because they had attained the 1-hour standard and so the 1-hour standard no longer applies to these areas.

II. What Action Is EPA Proposing To Take Today?

Today we are proposing to revoke the 1-hour standard in seven more areas that we determined are not violating the 1-hour standard. The newly identified areas are: Cincinnati-Hamilton, OH–KY; Pittsburgh-Beaver Valley, PA; Lancaster, PA; Sunland Park, NM; LaFourche Parish, LA; Kansas City, MO–KS; and Spalding County, GA.

III. What Does the Air Quality Data for the Areas Subject to Today's Proposed Rule Look Like?

Today's proposal, to determine that these areas are attaining the 1-hour standard and thus no longer subject to the 1-hour standard, is based upon analysis of quality-assured, ambient air quality monitoring data showing no violations of the 1-hour ozone standard based on the most recent data available, i.e., 1996–1998 data. Detailed air quality data used for today's proposal are in the Technical Support Document to Docket No. A–99–10. The method for determining attainment of the ozone NAAQS is in 40 CFR 50.9 and appendix H to that section. The level of the 1-hour primary and secondary NAAQS for ozone is 0.12 ppm.

IV. What Is the Effect of the Revocation?

Once we determine that the 1-hour standard no longer applies to an area, the area is no longer subject to the nonattainment area planning requirements of subpart 2 of part D of title I of the CAA (section 182). This is because the nonattainment requirements in subpart 2 apply only for purposes of the 1-hour standard. Therefore, any sanctions or Federal implementation plan clocks started, under sections 110 or 179 of the CAA and 40 CFR 52.31 with respect to planning requirements in section 182 of the CAA, are no longer applicable when we issue a final rule determining the area has attained the 1-hour standard.

Moreover, the conformity requirements of section 176 would no longer apply to areas unless they had a maintenance plan approved under section 175A. With respect to new source review requirements, whether part D new source review requirements or part C prevention of significant deterioration (PSD) requirements applies, will depend on the particular approved SIP provisions applicable to the areas.

Finally, given that the designations of these areas were based upon the 1-hour ozone standard, which will no longer apply, the designation will be replaced in part 81 of the CFR by an indication that the 1-hour ozone standard is no longer applicable.

V. What Administrative Requirements Are Considered in Today's Proposed Rule?

A. Executive Order 12866: Regulatory Impact Analysis

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the E.O. The OMB is exempting this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604), unless EPA certifies that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. The EPA is proposing to certify that this rule, in its final form, will not have a significant impact on a substantial number of small entities because the determination that the 1-hour standard ceases to apply does not subject any entities to any additional requirements.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least-burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA is proposing that today's action, if finalized, would not include a Federal mandate that may result in

estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This Federal action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This proposed rule is not subject to E.O. 13045 because this is not an economically significant regulatory action as defined by E.O. 12866, and it implements a previously promulgated health or safety-based Federal standard.

E. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to OMB a description of the extent of EPA's prior consultation with representatives of the affected State, local and tribal governments; the nature of their concerns; copies of any written communications from the governments; and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed rule does not create a mandate on State, local or tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. The identified areas are not located in tribal lands, and this proposed action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

G. Paperwork Reduction Act

This proposal does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

H. Executive Order 12898: Environmental Justice

Under E.O. 12898, each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. Today's proposed action (identifying additional ozone areas where the 1-hour standard is no longer applicable) does not adversely affect minorities and low-income populations because the new, more stringent 8-hour ozone standard is in effect and provides increased protection to the public, especially children and other at-risk populations.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with NTTAA, the EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this proposed action. Today's proposed action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Issued in Washington, D.C. on May 12, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–14596 Filed 6–7–99; 10:42 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185 and 186

[OPP–300865; FRL–6082–4]

RIN 2070–AB78

Phosphine; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Tolerances are being revised and consolidated for residues of phosphine in or on certain agricultural commodities and animal feeds. None of these proposed tolerances are new, although this change would facilitate new application methods. The Agency is merely changing the tolerance expression to eliminate references